THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.28064 OF 1996

Dated: 15th November, 2006

Between:

Labour Contract Cooperative Society
Limited rep. by its President K.Balakoteswara Rao

…Petitioner

and

The Member Secretary, APSEB, Vidyut
Soudha, Hyderabad and three others …Respondents

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O R D E R:

This writ petition has been filed questioning the orders passed by the second respondent blacklisting the writ petitioner based upon the report said to have been submitted by the Vigilance Wing of the then A.P.S.E.B.

It is not in controversy that prior to passing the impugned order, the second respondent has not chosen to put the writ petitioner on notice and provide him with an opportunity of hearing. Since blacklisting of contractors will entail evil consequences, the requirement to comply with the principles of natural justice cannot be waived. As the action of the second respondent is not consistant with the principles of natural justice, in that the 2nd respondent had not provided an opportunity of hearing to the writ petitioner, the impugned order is liable to be set aside and the writ petition deserves to be allowed, only on that short ground, without going into the merits of the matter.

The impugned order is accordingly set aside and the writ petition is allowed. However, it is open to the respondents to take action considered appropriate in the matter in due compliance with the principles of natural justice. No order as to costs.

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(Nooty Ramamohana Rao,J)

Dated 15th November, 2006

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